

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LIBERTARIAN PARTY OF OHIO,	:	
et al.,	:	
	:	Case No. 2:13-cv-00953
Plaintiffs,	:	
	:	Judge Watson
v.	:	
	:	Magistrate Judge Kemp
JON HUSTED,	:	
	:	
Defendant.	:	

**SECRETARY OF STATE HUSTED’S MEMO IN OPPOSITION
TO PLAINTIFFS’ MOTION TO COMPEL (Doc. No. 129)**

Plaintiffs’ *Motion to Compel* is moot. In a Monday July 7th email, Counsel for Plaintiff gave Counsel for the Secretary until close of business Tuesday, July 8th to resolve the instant discovery dispute. (Exhibit 1, email sent July 7, 2014 at 6:20 p.m.). At 11:00 a.m. on the 8th, well before the close of business and while Counsel for the Secretary was finalizing the privilege log, Plaintiffs’ counsel filed the instant *Motion to Compel*. Later that same day the Secretary sent to Plaintiffs’ counsel the privilege log and any remaining responsive documents. (Exhibit 1, email sent July 8, 2014 at 4:20 p.m.; Exhibit 2, privilege log).

Further, contrary to Plaintiffs’ assertions that documents have been withheld, *all* discoverable documents in this case have been produced by the Secretary of State. (Exhibit 3, Affidavit of Jack Christopher). In addition to documents, the Secretary provided to Plaintiffs written objections to the *Requests for Production*, (Exhibit 4), and the Plaintiffs do not allege that those objections were improper. Regardless, without waiving those objections the Secretary

produced all discoverable documents. Thus, there is nothing to compel and Plaintiffs' *Motion* is moot.

Respectfully Submitted,

MICHAEL DEWINE
Ohio Attorney General

/s/ Bridget C. Coontz

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Response to Plaintiffs' *Motion to Compel* (DOC. No. 129) was filed using the ECF filing system on July 16, 2014 and that all parties will receive notification of its filing via that system.

/s/ Bridget C. Coontz

Bridget C. Coontz (0072919)